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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,257	01/26/2001	Balaji S. Holur	062891.0510	8120

7590 09/06/2005

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EXAMINER

VU, VIET DUY

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,257

Applicant(s)

HOLUR ET AL.

Examiner

Viet Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-14, 16-24, 26-34 and 36-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 47, 55 and 63 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 10-14, 16, 17, 20-24, 26, 27, 30-34, 36, 37, 40-44, 48-52, 56-60 and 64 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 18, 19, 28, 29, 38, 39, 45, 46, 53, 54, 61 and 62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Rejections:

1. The text of 35 USC 103(a) not cited here can be found in the previous office action.

2. Claims 1, 6-7, 10-11, 16-17, 20-21, 26-27, 30-31 and 36-37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia et al, U.S. pat. Appl. Pub. No. 2002/0037744, in view of Bressler, U.S. pat. No. 6,584,190.

Per claims 1 and 10, Bhatia discloses a system and method for providing service access to a wireless network comprising:

- a) generating at a client application a request for a network session (see Bhatia in page 8, par. 99),
- b) determining allowability of the session based on a service agreement stored in a local database (645) without accessing external resources (see Bhatia in page 9, par. 107).

Bhatia also teaches monitoring and/or querying mobile client location via many conventional communication channels including out-of-band communication channels (see Bhatia in page 9, par. 103).

Bhatia does not explicitly teach communicating with a roaming client via out-of-band signaling to determine if a call session for the roaming client is allowed. The use of out-of-band signaling to set up a call session for roaming client is

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well known in the art as disclosed by Bressler (see Bressler in col 1, lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize such out-of-band signaling in Bhatia because it would have enabled the system to setup a communication session with the roaming client, i.e., when the mobile client travels outside its home area (see Bhatia in page 9, par. 103, 106).

Per claims 6-7, it is noted that the use of handshaking/negotiation signals including discovery and advertisement messages in wireless communications is well known in the art.

Claims 11, 16-17, 20-21, 26-27, 30-31 and 36-37 and 40 are similar in scope as that of claims 1, 6-7 and 10.

3. Claims 2-4, 12-14, 22-24, 32-34, 41-44, 48-52, 56-60 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatia and Bressler and further in view of Griffith, U.S. pat. Appl. Pub. No. 2002/0065064.

Per claims 2-4, Bhatia does not explicitly teach storing/maintaining session information at telecommunication gateway. Griffith teaches storing/saving a data session established between a mobile device and information provider, e.g., web server, at a gateway or access point to enable a

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seamless reconnection of communications and retransmission of data to the mobile device without requiring the mobile device to re-login or create a new session with the server (see Griffith's page 2, par. 27 and page 6, par. 74-75).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bhatia with Griffith's teachings because it would have enabled reducing setup time in providing access to the mobile client especially when the mobile device travels across different networks (see Griffith's page 2, par. 29).

Claims 12-14, 22-24 and 32-34 are similar in scope as that of claims 2-4 and hence are rejected for the same rationale set forth above for claims 2-4.

Per claims 41-44, 48-52, 56-60 and 64, it would have been obvious to one of ordinary skill in the art to utilize out-of-band signaling for communication between the mobile client with a foreign agent because it would have enabled the system to setup a communication session with the mobile client when the mobile client travels outside its home area (see Bhatia in page 9, par. 103, 106).

Allowable Subject Matter:

4. Claims 8-9, 18-19, 28-29, 38-39, 45-46, 53-54, and 61-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 47, 55, and 63 are allowed over prior art of record.

Response to Amendment:

6. Applicant's arguments filed on 7/8/05 with respect to claims 1-4, 6-7, 10-14, 16-17, 20-24, 26-27, 30-34, 36-37, 40-44, 48-52, 56-60 and 64 have been fully considered but they are not deemed persuasive.

Applicant alleges that the prior arts of record fail to teach specific use of an out-of-band communication to determine allowability of a session request.

The examiner disagrees. The examiner is unable to find the limitations in the current rejected claims (e.g., claim 1) to support applicant's contention. It is submitted that the limitation alleged by the applicant "determining allowability of the session, through an out-of-band communication, based on a service agreement without accessing external resources" amounts

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to a broadly use of an out-of-band communication in determining a session request. As discussed above, Bressler discloses the use of out-of-band communications to enable a roaming client to initiate a session with the serving node (see Bressler in col 1, lines 21-24). Since this initiation step is part of the process to determine the allowability of the session request for the roaming client, Bressler's teaching is seen meeting the alleged claimed limitation.

Conclusion:

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU
PRIMARY EXAMINER

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9/1/05